

**Remarks**

Claims 52, 56, 59 and 63 have been amended to delete reference to prednisone and to recite prednimustine, fludarabine phosphate and mitoxantrone hydrochloride. Support for this amendment can be found on page 24, line 4; page 23, line 24; and page 23, line 33, respectively.

Claims 52, 56, 59 and 63 have been further amended to correct typographical errors and remove redundancies in the listing of compounds, as suggested by the Examiner.

Applicants reserve the right to pursue the subject matter of the originally filed claims in a continuing application.

No new matter has been added.

**Supplemental Oath or Declaration**

Applicants submit herewith a Supplemental Oath/Declaration under 37 C.F.R. §1.67, executed by each inventor. In view of this submission, Applicants respectfully request that the Examiner reconsider the rejection of claims 1, 19, 36 and 37 relating to the recited formula.

**Application Data Sheet**

Applicants submit herewith an Application Data Sheet indicating the new home address of inventor Glenn T. Miller.

**Rejection under 35 U.S.C. §112, first paragraph**

Claims 52, 56, 59 and 63 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement regarding the recitation of "prednisone". Claims 52, 56, 59 and 63 have been amended to delete reference to prednisone and to recite prednimustine. Support for this amendment can be found on page 24, line 4.

**Provisional Rejection under Judicially Created****Doctrine of Obviousness-type Double Patenting**

Claims 1, 2, 11-19, 31, 36, 37, 40-51, 53, 54, 67, 68 and 74-81 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-21 of co-pending application 09/744,658 in view of O'Reilly et al. or Brooks et al.

Co-pending application 09/744,658 has not yet been allowed. Should the Examiner find the pending claims to be in condition for allowance in view of this amendment, Applicants respectfully request that the provisional rejection be reconsidered and withdrawn.

### Allowable Claims

Applicants acknowledge the Examiner's finding that claims 38, 39, 58, 60-62, 64 and 65 are allowed and claims 3-8, 55, 57, 66 and 69-73 would be allowable if rewritten to overcome the claim objection and to include all limitations of the base claim and any intervening claims. Applicants also acknowledge the Examiner's finding that claims 59 and 63 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, first paragraph. Applicants further acknowledge the Examiner's finding that claims 52 and 56 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, first paragraph and the claim objection and to include all limitations of the base claim and any intervening claims.

Applicants have submitted herewith a Supplemental Oath/Declaration. This Oath/Declaration together with the claim amendments submitted herewith should obviate the need to rewrite claims 3-8, 55, 57, 66 and 69-73 in independent form.

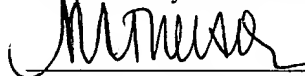
### Summary

Applicants believe that each of the pending claims is in condition for allowance.

**Applicants respectfully request that the Examiner telephone Applicants' representative in the event that the claims are not found to be in condition for allowance, prior to issuing a further action.**

If the Examiner has any questions and believes that a telephone conference with Applicants' representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 720-3500 (extension 266).

Respectfully Submitted,



Maria A. Trevisan, Reg. No. 48,207  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
Telephone No.: (617)720-3500  
Representative for Applicant

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